

Onyx transcription, 8/13/2009

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## Onyx Conversation

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FEMALE: I'm not saying that, but -- but no, I'm just saying the consequences for what I'm saying is if we have a problem with something that's being said, and all of us collectively ask them -- not just all of us that are here, but other girls, we'll have a problem with, okay, we've got to pay \$100 to work, and we wanted to pay 10 percent of what we make, and then we get fined on top of that because you don't think we're tipping out Fernando 10 percent, you know what I'm saying, because a foreman came and highlighted our name, you know what I'm saying, and when we come and ask you about it, you're kind of like -- -- I can't do anything.

16

MALE: The fine, we get fined, you know --

17

FEMALE: How do you know how much money I make? Like even if I make \$400 in a -- with the court, that doesn't mean I made money all night. That means I made \$400 in a -- with the court. And we have to split that 200, and that might be my only --

22

MALE: -- well aware. I mean, how many girls get fined? It's very rare. It's hardly often.

24

MALE: It's not an every night occurrence. It's only when we know you make \$1,000, or this customer

25

1 spends five grand, and he walks home with our money.  
2 There's three or four of you, and you tip out 20 or 30.

3 FEMALE: You say that, right. And I have  
4 danced for Black twice. And it seems like whenever he  
5 come in here, he might get 5,000 and only spend two. And  
6 I can say that because it has happened. But it's like,  
7 well, we know he got \$5,000, so you only paid  
8 Fernando \$35. Something's going on. You're fined \$100.

9 MALE: When everybody else -- you only danced  
10 for everybody else but him. And it was because it has  
11 happened, but it's only like we know he got \$5,000, so  
12 you only gave Fernando \$5, and we know what's going on.

13 FEMALE: Yeah, but everybody else --

14 MALE: I'm just saying, when you dance for  
15 everybody else, everybody --

16 FEMALE: What about an instance when you fined  
17 everybody?

18 MALE: Everybody is aware of the fines that are  
19 in place. You don't have to agree with it. There are  
20 plenty of other --. If you don't like this one, you're  
21 free to move on.

22 FEMALE: No. I'm not saying that. I'm just  
23 saying if we have a problem, and we come and talk to you,  
24 and the problem doesn't even get -- you say \$35. It's  
25 going to make things hard to --

1 FEMALE: Come and talk to you.

2 FEMALE: Right.

3 FEMALE: Well, I don't have a problem coming to  
4 talk to you, Rick.

5 FEMALE: But I'm just saying if more than one  
6 girl has a problem with something, and we feel like when  
7 the problem is presented to you nothing happens, it's  
8 kind of like we're talking on deaf ears. You know what  
9 I'm saying?

10 MALE 2: -- happen sometimes because that's the  
11 rule, and it's not going to change just because you don't  
12 like it. I've met with several of you, and I've met with  
13 several girls in the dressing room that have come in my  
14 office and basically tell me they don't want to be fined,  
15 but they want to show up at midnight, and they want to  
16 leave at 3:00. Now, you're talking about wanting to act  
17 like employees. Well, I don't know any employee on the  
18 face of the earth -- basically, you know what the IRS  
19 says, an employee gets paid \$7.25 an hour. So if you all  
20 were to become employees, which the waitresses are  
21 employees, basically, you would have to be showing that  
22 you're making \$7.25 an hour to be a wage employee.  
23 That's basically what the waitresses are.

24 MALE: And how many --

25 MALE 2: Hang on, Rick. And, basically, you

1 all only work three hours a day, because, basically,  
2 that's what you all wanted to do is come in here. Now,  
3 at \$7.25 an hour, we will come in here after all these  
4 girls -- because I'm going to go to the dressing room  
5 right after I meet with you all, and I'm going to tell  
6 them everything that I talked to you all about and talk  
7 to them about it, too. And I'm going to tell every one  
8 of these girls in this building exactly what's going on  
9 with you all because I don't like to have any bullshit  
10 going on in this club. I don't like "he said she said"  
11 stuff. So when I get done with you all, I'm going to  
12 basically address everything that I've addressed with you  
13 with all those girls in there. So with that said, you  
14 all, if we have to come in here, and say we do have to  
15 come in and make all you girls employees, which, like I  
16 said, will be three years down the road, because we could  
17 tie this up in court for three years at least, basically,  
18 what would come after three years is we would come in,  
19 and we would take everybody's money from them every night  
20 on stage after each dance is done, and we would count  
21 their money like an accountant every freakin' night, and  
22 then we would fill out our IRS slips, and we would turn  
23 them in to the IRS to make sure you all are paying your  
24 taxes the right way.

25 FEMALE: I have a question. As a waitress,

1     though, you're an employee, right?

2             MALE 2: Absolutely.

3             FEMALE: You don't count their money, though.

4             MALE 2: We don't count their money?

5             FEMALE: No.

6             MALE 2: They are responsible to put on their  
7     time cards what they make every night that goes towards  
8     their hourly salary. So they make the \$7.25 an hour, and  
9     if they make \$200 in a credit card tab plus whatever they  
10    make in tips, they have to put it on their time card.

11            FEMALE: Okay.

12            MALE: They report everything on their --

13            MALE 2: And that's why when they get their  
14    check back, it's zero.

15            FEMALE: I worked at Rick's Cabaret in  
16    Minnesota, and we got paid hourly, and we claimed the  
17    amount of tips that we wanted to on our sheets, and we  
18    got a slip every night, and we got paid hourly. At the  
19    end of the week, we got a check, too. And they didn't  
20    count every single dollar that we made. They told us,  
21    according to what we were claiming on our tips, what did  
22    we want to put on there. So I don't understand what you  
23    mean you're going to take all of our money and then put  
24    something on something. They didn't count our money at  
25    the end of the night.

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1 FEMALE: Okay. Our fees are put on a schedule,  
2 right? Employees have -- we're not wanting to be treated  
3 like employees. We want to be treated like independent  
4 contractors. So why are we having to put in the schedule  
5 if we didn't have to put it in the schedule --

6 MALE 2: All right. Let me ask you this.  
7 Let's take T.I., for instance. What do you think T.I.  
8 is? T.I. is an independent contractor. He has his own  
9 company. Young Jeezy is an independent contractor. He  
10 has his own company. But when Young Jeezy is basically  
11 hired to do a show, he has to put in a schedule. He has  
12 to say, I'm going to be in Detroit on Friday, I'm going  
13 to be in California on Tuesday. I'm going to be here on  
14 Wednesday. Well, we legally can have you guys here three  
15 to four days a week.

16 FEMALE: You don't say that, though. You don't  
17 say you have to work three days out of the week. Right?  
18 You say -- you don't say you have to work four days out  
19 of the week. You say you have to make a schedule. So  
20 that's where the problem comes in because --

21 MALE 2: What's the minimum days a week?

22 FEMALE: It's four days, and, you know, I love  
23 everybody. But really, I mean, you all chose to work  
24 here. You all know the rules. The rules --

25 FEMALE: But --

1 FEMALE: Wait a minute. Just like he's saying,  
2 if you're an independent contractor, you can't go --

3 FEMALE: I'm coming -- --

4 FEMALE: Listen. Listen.

5 FEMALE: Okay. Well --

6 FEMALE: Do you all want to listen?

7 FEMALE: Go ahead.

8 FEMALE: What I'm saying is you can be an  
9 independent contractor, but you can't just go into  
10 anybody's establishment and do what you want to do. You  
11 have rules. Let me say this. Let me say this. Even if  
12 you go into an establishment and work, even if you go  
13 into another club and work, and you're an independent  
14 contractor, that doesn't mean because you're independent  
15 you can prostitute. You have rules. You know what I'm  
16 saying? These are this club's rules. And in order to  
17 work in this club and contract yourself out, you have to  
18 abide by their rules. No. No. No. You know I'm not  
19 calling you all --

20 FEMALE: I know. But I'm saying, for instance,  
21 I'm just saying, if -- for an example -- is legal, so, of  
22 course, I make -- -- a lot of girls cannot proffer any  
23 illegal activities. Second of all, it would be different  
24 if the rule was you have to work a minimum of four days.  
25 The rule is you have to schedule a minimum of four days.



1 And if you don't schedule or don't abide by this  
2 schedule, then you are fined. But --

3 FEMALE: If T.I. doesn't make his show, he has  
4 to either pay a fine or --

5 FEMALE: That's the schedule.

6 FEMALE: But, Ms. Sabrina --

7 FEMALE: That's the schedule.

8 FEMALE: But, Ms. Sabrina, no. What I'm saying  
9 is why is the mandatory schedule in place.

10 FEMALE: Wait. I have a question real quick.

11 (Several people are talking at once.)

12 MALE 2: Ladies, ladies, ladies, ladies. Let  
13 me just say this. All this can go back and forth all  
14 night long about why you all don't want to be fined and  
15 why this is this, and this is that, and this is this.  
16 Basically, like I said, what you all did was pretty  
17 serious stuff, and now I'm addressing that. And  
18 basically, the only way that it's going to go away and  
19 you all are going to be able to work in this club is if  
20 all eight or nine of you, whoever is on the class action  
21 lawsuit that you all decided to file, get together and  
22 decide to drop it. Once you all decide to drop it and  
23 you all talk amongst each other, then you can all come  
24 back to work and wipe the slate clean, and any of this  
25 B.S. we can basically sit down and go over.

1 FEMALE: What you talking about?

2 FEMALE: You say sit down and go over it. Does  
3 that mean including --

4 MALE 2: I'm not going to say that I'm going  
5 to -- I'm not going to say I'm going to get rid of the  
6 scheduling. I cannot --

7 FEMALE: That's for the whole club. I'm just  
8 saying maybe -- not have to work --

9 FEMALE: I'm not going to --

10 FEMALE: I have a question, though. I just  
11 have one question.

12 FEMALE: I know for sure when I walk out of  
13 this door, I'm going to pay my schedule like -- because I  
14 was -- so that's just what I --

15 MALE 2: That's your prerogative. But I'm  
16 telling you, ladies, like this. There's, what is it,  
17 nine of them on the lawsuit. And until all nine of you  
18 get together and decide to drop this before -- basically,  
19 you guys can come to me Friday in my office in Atlanta  
20 and say, you know, we decided to withdraw this, or,  
21 basically, like I said, next two to three years, you're  
22 not going to be allowed on this property, and you're not  
23 going to be allowed to work in this club. And I  
24 guarantee you, Kimber, you can take this to the bank.  
25 We'll be in court for at least two years. I don't care

1 what lawyer you're talking to. I don't care who is  
2 pumping your head or what nonsense, whatever lawyer is  
3 telling you.

4 FEMALE: Takes me -- --

5 MALE 2: Honey, I could sue you and say all  
6 kinds of stuff about you. And whether it's true or not,  
7 any lawyer is going to take your money. I mean, so, you  
8 know, she's wasting her pay. And that's fine. That's  
9 why I wanted to have this meeting with you all for.

10 FEMALE: I feel like we're at a point where I'm  
11 being talked down to. That's what I don't appreciate.

12 MALE 2: I am not talking down to you. I'm  
13 just telling you right now.

14 FEMALE: You can take this to the bank, Kimber.  
15 I mean, I will.

16 MALE 2: Any lawyer can sit here and tell me  
17 what I want to hear, too.

18 FEMALE: But you have to realize Onyx is not  
19 the only club in Atlanta. And if you feel like the point  
20 where you want to blackball me or tell --

21 MALE 2: I'm not blackballing you. I'm just  
22 saying what's true.

23 FEMALE: -- other managers, I'm just saying  
24 what your manager said.

25 MALE 2: They never said they tell the

1 managers. But you know the streets talk.

2 FEMALE: Oh, my God. I mean, everybody --

3 (Several people are talking at once.)

4 MALE 2: You said you want to have a meeting  
5 with all 50 girls and tell them what happened. I wanted  
6 it to come from the horse's mouth, you know?

7 FEMALE: That's fine.

8 MALE 2: So, like I said, you all get together,  
9 talk amongst each other. You all want to basically drop  
10 this, fine and dandy. We can start fresh and sit down,  
11 and, you know, you guys want to come to me and talk. But  
12 no, I'm not going to tell you I'm going to drop the  
13 scheduling. I'm not going to tell you I'm going to drop  
14 the fines. But I'll tell you you'll be able to at least  
15 work here for the next couple of years.

16 FEMALE: What --

17 MALE 2: Anything that's reasonable. When I  
18 have girls coming to my office and telling me basically  
19 they want to come in at midnight and leave at 3:00 and  
20 they don't want to be fined, that's unreasonable.

21 FEMALE: I understand that. You have a  
22 business to run.

23 MALE 2: Well, that's great.

24 FEMALE: But my question was -- because this  
25 has been a problem for me. And Rick -- -- but there have

1     been times where my schedule is Monday, and I call and  
2     say I can't work Monday, can I reschedule for Wednesday.  
3     And that's no problem, and I still get fined.

4                 FEMALE:   Sabrina, how --

5                 FEMALE:   No, no, no, no, no.   But if I did show  
6     up on Wednesday, because I know I would work -- if I did  
7     show up on Wednesday, and I still get fined, that's a  
8     problem.

9                 FEMALE:   Your fine would wipe clean if you had  
10    showed up Wednesday.   But you didn't show up.

11                FEMALE:   No.   I'm not talking about that.   I  
12    paid my fine.

13                FEMALE:   It's not like they're not workable.  
14    Because you said Sonya said you can't address the  
15    situation --

16                FEMALE:   If I want to interchange the days,  
17    yeah.

18                FEMALE:   But when you came and addressed the  
19    situation, he wiped your fine, provided you showed up for  
20    work Wednesday.   But you didn't come.

21                MALE 2:   We don't want to fine you.   We want  
22    you at work.   Unfortunately, you guys just don't see it  
23    that way.

24                FEMALE:   How can they run a club without the  
25    beautiful entertainers that we have?

1 MALE 2: Can't have a concert without T.I.  
2 performing.

3 FEMALE: Who's talking T.I.? Is he in this --

4 FEMALE: How about Michael J.?

5 FEMALE: Michael J is --

6 FEMALE: Do you think he has a schedule? And  
7 if he didn't make it, they had -- -- they had to pay off.  
8 You know what I'm saying?

9 FEMALE: He's getting paid, though. That's the  
10 whole, big difference.

11 FEMALE: You're getting paid.

12 FEMALE: No. We're earning tips. We're not  
13 getting paid.

14 FEMALE: Well, why would you come in here if  
15 you're not getting paid?

16 FEMALE: The club is not paying us. That's the  
17 point. You're talking about them, and they are getting  
18 checks. We're not getting checks.

19 FEMALE: They have the business open for you.  
20 This is like a beauty salon. You have to pay to rent  
21 your booth. You have to pay to do hair --

22 FEMALE: Right. And I did hair, and I was a  
23 bartender, too. And I came in when I came in because I  
24 was on my own schedule because I was independent because  
25 I rented that space. But if I'm paying --

1 FEMALE: But a beauty salon establishment can  
2 have whatever rules that they want to have. And when  
3 it's my business, and I have rules, if you choose to work  
4 there under my conditions, then that makes you an  
5 independent contractor.

6 MALE 2: Andrea, if you want to wait over and  
7 listen to the meeting that I'm going to have with all the  
8 girls -- because you missed a lot of the stuff that I  
9 have talked to the girls about. If you'd like to stay  
10 over and listen to that meeting, you're more than welcome  
11 to, so I can inform you basically what I informed these  
12 girls of.

13 FEMALE: We have our bar -- --

14 MALE 2: Yeah. Absolutely. No problem. So  
15 girls, like I said to you earlier, basically --

16 FEMALE: So if all nine girls get together  
17 and -- --

18 MALE 2: Basically, you all did this together.  
19 You all are going to walk away together, or you're going  
20 to go to court together. So --

21 FEMALE: I'm just saying that if I --

22 FEMALE: Why you trying to get me -- --

23 FEMALE: Come together like, you know what I  
24 mean. It's all or nothing.

25 MALE 2: All or nothing.

1 FEMALE: I have one question. What's the  
2 suspension indefinitely? What's that for? What's the  
3 reason behind that?

4 MALE 2: What's the reason behind it?  
5 Basically, we've got litigation. You don't need to be in  
6 the building now. You're suing us.

7 FEMALE: Okay. I just wanted to be clear on  
8 that.

9 MALE 2: Clear? The ladies that are getting  
10 up, make sure they clean their lockers.

11 FEMALE: Can I use the bathroom? I'm serious.  
12 Can I use the bathroom? Thank you.

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